

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST,
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY,
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE FUND,
and DISTRICT COUNCIL 37 HEALTH &
SECURITY PLAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation, and MCKESSON CORPORATION,
a Delaware corporation,

Defendants.

Case No. 1:05-CV-11148-PBS

**DEFENDANT MCKESSON CORPORATION'S MOTION REQUESTING A CASE
MANAGEMENT CONFERENCE**

Defendant McKesson Corporation ("McKesson") hereby requests that the Court schedule a case management conference to address the schedule for plaintiffs' and defendant First DataBank's Joint Motion for Entry of an Order (a) Granting Preliminary Approval of the First DataBank Settlement; (b) Certifying a Class for Purposes of Settlement; (c) Directing Issuance of Notice to the Class; and (d) Scheduling a Final Fairness Hearing ("Settlement Class Motion"), filed October 4, 2006 [Docket Nos. 118-119]. The Settlement Class Motion seeks certification of a *settlement* class of third-party payors ("TPPs") under Rule 23. McKesson seeks a schedule for the Settlement Class Motion that will allow the Court to *first* resolve plaintiffs' pending motion for certification of a significantly overlapping *litigation* class of TPPs against McKesson. *See* Plaintiffs' Motion for Class Certification, filed July 17, 2006 [Docket Nos. 75-76; *see also*

Docket No. 99]. The grounds for this request are set forth in the accompanying memorandum.

McKesson respectfully requests a case management conference in the near future, and in any event, before any schedule on the Settlement Class Motion is set.

Respectfully submitted,
McKesson Corporation
By its attorneys:

/s/ Lori A. Schechter
Melvin R. Goldman (*pro hac vice*)
Lori A. Schechter (*pro hac vice*)
Paul Flum (*pro hac vice*)
Tiffany Cheung (*pro hac vice*)
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482
tel. 415-268-7000
fax 415-268-7522

John Kiernan
Nicole Johnson
Bonner Kiernan Trebach & Crociata
One Liberty Square
Boston, MA 02109
Telephone: (617) 426-3900
Facsimile: (617) 426-0380

Dated: October 10, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Lori Schechter, counsel of record for defendant McKesson Corporation, hereby certify that McKesson's counsel conferred with counsel for plaintiffs in an effort to resolve the issue referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Lori A. Schechter
Lori A. Schechter

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 10, 2006.

/s/ Lori A. Schechter

Lori A. Schechter

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST,
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY,
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE FUND,
and DISTRICT COUNCIL 37 HEALTH &
SECURITY PLAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation, and MCKESSON CORPORATION,
a Delaware corporation,

Defendants.

Case No. 1:05-CV-11148-PBS

**[PROPOSED] ORDER GRANTING DEFENDANT MCKESSON CORPORATION'S
MOTION REQUESTING A CASE MANAGEMENT CONFERENCE**

THIS MATTER is before the Court on Defendant McKesson Corporation's ("McKesson") Motion Requesting a Case Management Conference to address the schedule for plaintiffs' and defendant First DataBank's Joint Motion for Entry of an Order (a) Granting Preliminary Approval of the First DataBank Settlement; (b) Certifying a Class for Purposes of Settlement; (c) Directing Issuance of Notice to the Class; and (d) Scheduling a Final Fairness Hearing.

The Court, having considered all submissions in support and in opposition thereto, hereby

GRANTS McKesson's motion requesting a case management conference and hereby
SETS a case management conference on _____, 2006.

IT IS SO ORDERED.

DATED: _____

Hon. Patti B. Saris
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 10, 2006.

/s/ Lori A. Schechter
Lori A. Schechter